

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** CURTIS T. COMBAR, CAROL Y. DEVINE,  
WILLIAM P. FLENTJE and ROBERT A. PFISTER

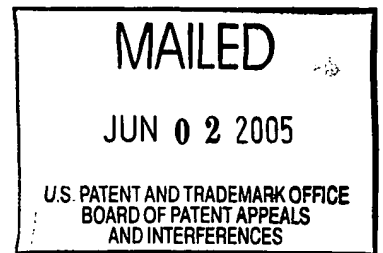
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Appeal No. 2005-0730  
Application 09/159,404

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ON BRIEF

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Before KRASS, DIXON, and MACDONALD, **Administrative Patent Judges**.  
MACDONALD, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of  
claims 1-19.

### **Invention**

Appellants' invention relates to a reporting system for communicating call detail information relating to traffic pertaining to a customer's telecommunications network to a client workstation via an integrated interface comprising: a client browser application located at the client workstation for enabling interactive Web based communications with the reporting system, the client workstation identified with a customer and providing the integrated interface; at least one secure server for managing client sessions over the Internet, the secure server supporting a secure socket connection enabling encrypted communication between the browser application client and the secure server; a report manager server in communication with at least one secure server for maintaining an inventory of reporting items associated with a customer, the reporting items comprising report data types and report customization features for reports to be generated for the customer; a data retrieval device for retrieving customer specific data from the customer's telecommunications network at pre-determined times; and, a requestor application enabling the customer to communicate a data report request message via the integrated interface to the report

manager server, the request message comprising a metadata description of particular reporting items to be retrieved, the metadata description of particular reporting items being forwarded to the retrieval device, and the retrieval device obtaining customer specific data in accordance with the metadata request, whereby customer-specific retrieved data and the metadata description of the reporting items are communicated to the client workstation and utilized to generate a completed report for presentation to the customer. Appellants' specification at page 5, line 21, through page 6, line 26.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A Web/Internet based reporting system for communication call detail information relating to traffic pertaining to a customer's telecommunications network to a client workstation via an integrated interface, said system comprising:

client browser application located at said client workstation for enabling interactive Web based communications with said reporting system, said client workstation identified with a customer and providing said integrated interface;

at least one secure server for managing client sessions over the internet, said secure server supporting a secure socket connection enabling encrypted communication between said browser application client and said secure server;

a report manager server in communication with said at least one secure server for maintaining an inventory of reporting items associated with a customer, the reporting items comprising report data types and report customization features for reports to be generated for customer;

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a data retrieval device for retrieving customer specific data from the customer's telecommunications network at pre-determined times; and,

a requestor application enabling the customer to communicate a data report request message via said integrated interface to the report manager server, the request message being verified to ensure valid formatting,

said request message comprising a metadata description of particular reporting items to be retrieved, said metadata description of particular reporting items being verified and forwarded to said retrieval device, and said retrieval device obtaining customer specific data in accordance with the metadata request,

whereby said customer-specific retrieved data and said metadata description of said reporting item are communicated to said client workstation and utilized to generate a completed report for presentation to said customer, the completed report capable of being dynamically determined based on the metadata and one or more of customization options and user options.

#### References

The references relied on by the Examiner are as follows:

O'Reilly et al. (O'Reilly)	5,825,769	Oct. 20, 1998
Chang et al. (Chang)	5,958,016	Sept. 28, 1999
Sharples et al. (Sharples)	6,240,450	May 29, 2001

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### **Rejections At Issue**

Claims 1-4, 7-17, and 19 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Chang and O'Reilly.

Claims 5-6 and 18 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Chang and O'Reilly and Sharples.

Throughout our opinion, we make references to the Appellants' briefs, and to the Examiner's Answer for the respective details thereof.

### **OPINION**

Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants could have made but chose not to make in the brief have not been considered. We deem such arguments to be waived by Appellants [see 37 CFR § 41.37(c)(1)(vii) effective September 13, 2004 replacing 37 CFR § 1.192(a)].

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellants and the Examiner, for the reasons stated *infra*, we

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reverse the Examiner's rejection of claims 1-19 under 35 U.S.C. § 103. It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claims 1-19. Accordingly, we reverse. For purposes of our decision we treat claim 1 as a representative claim.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to independent claim 1, Appellants argue at page 9 of the brief, Chang fails to teach a metadata description as recited in claim 1. Appellants argue "the Examiner has improperly construed the definition of metadata when interpreting the meaning of 'metadata descriptions'" in view of the present invention. Further, Appellants argue "the Examiner erred in not also considering the meaning of metadata descriptions as set forth in the specification." The Examiner counters by pointing out "the specification must clearly set forth the definition explicitly and with reasonable clarity, deliberateness and precision." Based on the record before us, we find Appellants' argument persuasive.

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The Examiner appears to be requiring that Appellants set forth some special indication that they are acting as their own lexicographer. We find there is no such requirement in the statutes, rules, or case law. Rather, it is only required that any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." **Multiform Desiccants Inc. v. Medzam Ltd.**, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also **Process Control Corp. v. HydReclaim Corp.**, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Appellants have argued in the brief and reply brief the claim term "metadata description" is limited to the meaning as provided within the specification at pages 32, 40-41, and 73-77. We find that Appellants' definition of a "metadata description" is limited to the specific data structure described at these pages. That is, we find that these portions of Appellants' specification represent the definition of the term "metadata description." We find that at no point has the Examiner ever contended that Chang reference teaches a "metadata description" based on this definition of the term. Therefore, the Examiner



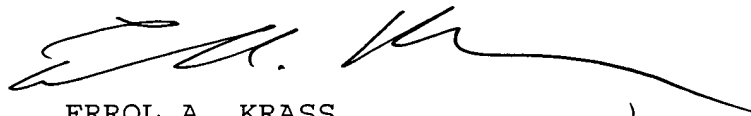
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has failed to meet the initial burden of establishing a **prima facie** case of obviousness.

### Conclusion

In view of the foregoing discussion, we have not sustained the rejection under 35 U.S.C. § 103 of claims 1-19.

**REVERSED**



ERROL A. KRASS )  
Administrative Patent Judge )



JOSEPH L. DIXON )  
Administrative Patent Judge )

BOARD OF PATENT  
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ALLEN R. MACDONALD )  
Administrative Patent Judge )

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MCI, Inc.  
Technology Law Department  
1133 19<sup>th</sup> Street, NW  
10<sup>th</sup> Floor  
Washington, DC 20036